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SANYO NORTH AMERICA CORPORATION

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff

v.

SANYO NORTH AMERICA
CORPORATION, a Delaware Corporation;
and DOES 1 – 100,

Defendants.

) Case No. 08-cv-0135 BTM (CAB)

)
) **DEFENDANT SANYO NORTH**
) **AMERICA CORPORATION'S**
) **NOTICE OF MOTION AND**
) **MOTION TO STAY THE**
) **LITIGATION PENDING**
) **REEXAMINATION OF U.S.**
) **PATENT NO. 4,935,184.**

) **Date: May 30, 2008**

) **Time: 11:00 a.m.**

) **Courtroom 15, Fifth Floor**

) **Hon. Barry Ted Moskowitz**

) **NO ORAL ARGUMENT UNLESS**

) **REQUESTED BY THE COURT**

)

NOTICE IS HEREBY GIVEN that on May 30, 2008 at 11:00 a.m., or as soon thereafter as the matter may be heard by the above-entitled Court, located at 940 Front Street, San Diego, CA 92101-8900, the Defendant in this action, Sanyo North America Corporation ("Sanyo"), will and hereby does respectfully move to stay the above-captioned proceeding pending the United States Patent and Trademark Office's ("PTO") reexamination of the sole patent asserted in this case, United States Patent No. 4,935,184 ("the '184 patent").

1 A stay of the present litigation is particularly warranted given the current state of this
2 case. No trial date has been set. The parties have not begun fact or expert discovery. The
3 Court has not conducted a *Markman* hearing or construed the terms of the '184 patent. In
4 fact, the only actions taken thus far by the parties in addition to this motion are Plaintiff
5 Jens Erik Sorensen, as Trustee of the Sorensen Research and Development Trust's
6 ("Sorensen") filing of the Complaint for infringement and Sanyo's filing of its Answer.

7 Therefore, a stay will conserve the resources of both the Court and the parties, and
8 will also provide the benefit of simplifying (if not eliminating) the issues for trial. Given
9 that the '184 patent expired on February 5, 2008 and the parties have not begun discovery,
10 Sorensen would not be prejudiced in any way by entry of an order staying the present
11 litigation pending the PTO's reexamination of the '184 patent.

12 For the reasons set forth in greater detail in the supporting memorandum and
13 declaration of Scott Daniels, Esq., submitted herewith, Sanyo respectfully requests that the
14 Court order this case stayed pending completion of the PTO's ongoing reexamination of the
15 '184 patent.

16
17 Respectfully submitted,

18 Date: April 9, 2008

19
20 /s/ Douglas Carsten

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